

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAMES STAFFORD,

Plaintiff,

vs.

ROBERT TURLEY,

Defendant.

)
)
)
)
)
)
)
)
)
)

4:03cv3300

ORDER

This matter is before the court following cancellation of the final pretrial conference set for April 25, 2005. A review of the court's records indicates that the case has not progressed to the point of readiness for trial. A Rule 16 conference with the parties will be scheduled. Therefore,

IT IS ORDERED:

1. The jury trial previously set to be heard by United States District Judge Richard G. Kopf on May 16, 2005 is cancelled.

2. A Rule 16 planning conference is set for **Monday, May 23, 2005 at 1:30 p.m.**, before the undersigned magistrate judge, in Courtroom 6, 2nd Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

3. The conference will be conducted by telephone conference call initiated by the court. However, by the end of the business day on **Friday, May 20, 2005**, the plaintiff must contact the judge's chambers at (402) 661-7340 and defendant's counsel, Gail Perry, to advise of the telephone number where he will be available to receive the call.

4. The plaintiff is advised that failure to comply with an order of the court or to fulfill the plaintiff's responsibilities under the Federal Rules of Civil Procedure may cause this

case to be subject to dismissal for lack of prosecution. See NeCivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."

Dated this 28th day of April 2005.

BY THE COURT:

S/ F.A. Gossett
United States Magistrate Judge